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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,673	07/26/2005	Matthias Dammers	3988-045995	9744
28289	7590	09/19/2007		
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			EXAMINER TRUONG, THANH K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Sp

Office Action Summary	Application No. 10/520,673	Applicant(s) DAMMERS ET AL.	
	Examiner Thanh K. Truong	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on June 21, 2007.
2. Applicant's cancellation of claims 1-11 and 17-25 is acknowledged.
3. Examiner's note: in light of the IDS filed February 12, 2007, especially, the English Translation from The Intellectual Property Bureau Ministry of Economic Affairs, the Official Letter dated October 3, 2006. However, the original document (in Chinese) carries the date of September 29, 1995 (the Applicant's attention is drawn to the copy on page 5 of this office action).

The examiner contacted the Applicant (August 28, 2007) to clarify the date of the original document (the Chinese document), however, the Applicant was unable to provide the clarification at this time. Accordingly, the following rejection is based on the newly filed IDS mentioned above.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by English Translation (the IDS filed February 12, 2007 – also see examiner's note in paragraph 3 above).

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Below is the copy of the English Translation mentioned above:

"This application entitled, "Method for applying a reclosable pouring element to a container and container manufactured thereafter," [is examined] based on the amended set of claims of December 2, 2004 which includes 13 claims.

Claims 1 to 5 in this application relate to a method for applying a reclosable pouring element comprising a pouring opening and a flange with a threaded ferrule and provided with a closure film and having a removable cap to a container having an opening, comprising a body, a base and a lid, comprising the following steps: connecting said pouring element to a lid of the container having an opening by affixing said flange of said pouring element to said lid in a liquid-tight fashion; connecting said lid to said body in a liquid-tight fashion, connecting said base to said body; sterilizing the interior of the container including said pouring opening; filling the container with a product through said pouring opening; closing the container by sealing the closure film onto said pouring element in such a fashion that said pouring opening of said pouring element is closed in a liquid-tight fashion; and applying said cap to said pouring element, characterized in that before sterilizing, a section of said closure film is sealed on said pouring element so that said pouring opening of said pouring element remains open until filling.

Claims 6 to 13 relates to a container with a reclosable pouring element having a pouring opening and a flange and having a removable cap, wherein said pouring element is constructed as a threaded ferrule and said cap is constructed as a screw-on cap, characterized in that said pouring element has thread-free region on its outer circumference for sealing a section of said closure film."

Conclusion

6. Applicant's IDS filed February 12, 2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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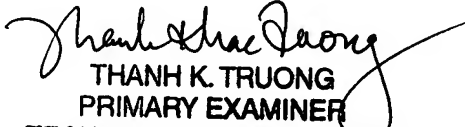
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

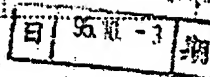
tk
September 16, 2007.


THANH K. TRUONG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3700

Art Unit: 3721

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發文文號：(95)智專三(一)05017字第

09520795350號



速別：

密等及解密條件或保密期限：

附件：如文

主旨：第092118741號專利再審查案經審查後發現尚有如說明三所述不明確之處，台端（貴公司）若有具體反證資料或說明，請於文到次日起60日內提出申復說明及有關反證資料1式2份。若屆期未依通知內容辦理者，專利專責機關得依現有資料續行審查，請查照。